

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6072**

**BILL NUMBER: SB 7**

**NOTE PREPARED:** Oct 23, 2012

**BILL AMENDED:**

**SUBJECT:** Firefighter License Plates; Criminal Offenses Against Firefighters.

**FIRST AUTHOR:** Sen. Steele

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (1) Establishes the Fallen Indiana Firefighter License Plate and specifies that the plate is not a special group recognition license plate.
- (2) Repeals a definition of "Indiana firefighter" currently applicable to only one chapter of the motor vehicle law and reenacts that definition to make it applicable throughout the motor vehicle law.
- (3) Adds part-time, compensated firefighters to the definition of "firefighter" for the purposes of: (a) issuance of license plates concerning firefighters; and (b) criminal law concerning battery against a firefighter, interfering with firefighting and emergency services, and regulation of directing light from a laser pointer against a firefighter.
- (4) Makes conforming changes.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *Summary:* This bill is expected to increase state expenditures to provide a new license plate for fallen Indiana firefighters that is not a special group license plate. Additionally, because the bill expands the definition of an Indiana firefighter to include paid, part-time firefighters, this bill may increase felony convictions in the state for battery against a firefighter (IC 35-42-2-1).

Additional Information:

*License Plate Production Costs:* This bill is expected to increase state expenditures to provide a new license plate for fallen Indiana firefighters that is not a special group license plate. Pen Products, the manufacturing arm of prison-made products, charges the BMV between \$2.97 and \$3.47 per plate for all vehicles except motorcycles (depending on the plate design) and \$2.48 for a motorcycle plate (as reported for FY 2012). The funds affected are the Pen Products Revolving Fund and the Motor Vehicle Highway Account (MVHA), which supports the BMV.

There is no fee in addition to the regular registration fee for the plate. It is unknown at this time the number of individuals who might qualify or choose to purchase the new license plate.

*Penalty Provision:* A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Summary:* This bill may increase state revenue from (1) administrative fees collected for special group license plates, (2) fees assessed for personalized license plate sales, and (3) fines collected from Class A and B misdemeanors and Class D felonies. Actual increases in revenue are indeterminable.

Additional Information:

*Administrative Fees for Special Group Plates:* Currently, the Indiana BMV offers a firefighter special group license plate which is only available to full-time, salaried firefighters and volunteer firefighters. Because the bill expands the definition of an Indiana firefighter to include paid, part-time firefighters, this bill will increase the number of individuals who are eligible to request a firefighter special group license plate. To the extent a paid, part-time Indiana firefighter requests the special group firefighter license plate instead of the Fallen Indiana Firefighter license plate, the BMV will receive additional revenue from administrative fees assessed to special group license plates.

The BMV charges a \$15 administrative fee for the sale of a special group plate in addition to a \$25 group fee. The authority to collect this administrative fee is found in statute under IC 9-29-5-38 and in administrative code under 140 IAC 8-3-16 and 140 IAC 8-4-23.

This administrative fee is distributed as follows: \$5 for the BMV for the purposes of administering the special group license plate program, \$9 to the State License Branch Fund, and \$1 to the Crossroads 2000 Fund. Revenue to the BMV, the State License Branch Fund, and the Crossroads 2000 fund will increase to the extent allowing paid, part-time firefighters to request a firefighter special group license plate (rather than a license plate that does not have a group fee), where the purchaser would pay the additional \$15 administrative fee in addition to other fees currently assessed by the BMV.

*Personalized License Plate Issuance:* The bill provides for the Fallen Indiana Firefighter license plate to also

be issued as a personalized license plate (PLP) if the purchaser so decides. Since an individual can request a PLP for a number of plates currently offered by the BMV, allowing an individual to request a Fallen Indiana Firefighter PLP is not expected to result in a significant increase in the number of PLP requests or additional revenue from PLP fees.

Currently, the BMV charges an additional fee of \$48 for a PLP. Of this amount, \$37 is deposited in the State License Branch Fund, \$7 for the Motor Vehicle Highway Account (MVHA), and \$4 for the Crossroads 2000 Fund.

*Penalty Provision:* By expanding the definition of Indiana firefighter to include paid, part-time firefighters, this bill may increase criminal convictions for Class A misdemeanor battery against a firefighter, Class A offenses for interfering with a firefighter, and Class B misdemeanor offenses for directing light from a laser pointer at a firefighter.

If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000, for a Class A misdemeanor is \$5,000, and for a Class D felony is \$10,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings for Class D felony proceedings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

A Class B misdemeanor is punishable by up to 180 days in jail, a Class A misdemeanor is punishable by up to one year in jail, and

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** BMV; Pen Products; Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Elizabeth Murphy, BMV.

**Fiscal Analyst:** Bill Brumbach, 232-9559.